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Supreme Court decision impact on Miami's Black voters as redistricting debate heats up

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Racial gerrymandering is alive but not well, after the United States Supreme Court voted it down in an Alabama congressional redistricting case last week. How that decision will affect Miami's ongoing battle with its own redistricting lawsuit is anybody's guess.

In a 5-4 decision June 8, Alabama was found to have likely violated the Voting Rights Act of 1965 by drawing a congressional map with only one Black-majority district out of seven, despite the fact that Black people comprise more than 25% of the state. The state will now have to redraw its map ahead of next year's federal elections, just as the city of Miami was ordered to redraw its local map ahead of this year's municipal election.

The two individual cases aren't entirely alike. Although both maps have just one Black-majority district, they represent two classic forms of racial gerrymandering: packing and cracking. In the city of Miami, Black voters have been consistently "packed" into one district known by commissioners as "the Black district," limiting their power to just that one area. In the state of Alabama, on the other hand, Black voters were spread so thin, or "cracked," across districts that their influence was diluted and overshadowed throughout the state.

"The outcome is essentially the same, which is less representation," said Christopher Lomax, managing attorney with the Lomax Legal law firm and president of the Wilkie D. Ferguson, Jr. Bar Association.

"It's another example of the machinations that people in power utilize to dilute or to take away the power of Black people," said attorney H.T. Smith, a local legend and Miami trailblazer who has long gained national distinction. "In Alabama, they robbed us with a knife, and in the city of Miami, they robbed us with a gun. It's the same thing. It's just a different instrument of discrimination."

Both Lomax and Smith hope that the Supreme Court's decision will discourage future maps like the one being contested in Miami. But it could just as well have the opposite effect.

Miami map scramble

City of Miami Commission Chair Christine King told The Miami Times that the Alabama case actually justifies what the city has been defending all along. The plaintiffs' position has been that

the use of racially designated districts has got to go, but, in King's eyes, the Supreme Court decision says they're actually needed.

"The Supreme Court ruling ordering Alabama officials to redraw the state's congressional map to allow an additional Black-majority district proves that our original redistricting was constitutional and in the best interest of our community," said King, Miami's sole Black commissioner.

King and her peers have claimed that the city's split into one Black district, one white non-Hispanic district and three Hispanic districts ensures diversity on the commission, especially when prior elections left the city without any Black representatives at all. The strategically divided map is meant to represent the city's racial demographic, which is roughly 72% Hispanic, 14% Black and 11% white.

That tactic nevertheless raises the question: What of the Black residents who don't make it into the Black district? Likewise, will just one Black commissioner be sufficient for a city originally built and incorporated by Black men and women?

"It always surprises me that the power structure ... always knows what's best for us," said Smith. "They say, 'We want to protect your rights.' Well, why don't you ask us? We don't need you to do it for us. We want you to do it with us."

The city will have to do just that after being ordered by U.S. District Judge Kevin Michael Moore to draw a new map by Aug. 1 that conforms to the lawsuit's ideologies, just in time for the November election. A special commission meeting is scheduled for June 14 to begin those discussions.

Where to put Overtown

The American Civil Liberties Union (ACLU) on behalf of the lawsuit's plaintiffs has [submitted](#) two maps to be considered in place of the one approved by the city in March 2022. One of those has already drawn criticism from King, however, due to the fact that it moves Overtown from her District 5 into Commissioner Alex Diaz de la Portilla's District 1.

"My top priority is keeping District 5 neighborhoods intact," she told the Times. "The constitution allows for and case law encourages communities of interest to stay together. Overtown, Liberty City, Little Haiti, Wynwood and the Upper East Side share the same needs. It would be unconstitutional to redraw those lines."

Lomax sympathizes with the notion that those who share similar interests should form a cohesive voting bloc. At the same time, he says, "the plaintiffs are considering what would be most effective in terms of being able to mobilize and have a voice in the city," and not in just one district.

"Those are two separate things, and I think that the latter is probably more in the public's interest than the former," he said.

"Part of your power comes with the amount of influence you can have in deciding elections in as many districts as possible," Smith concurred, "so they packed all of the Black people in one

district – not all, but a significant number – and said, ‘Well, we don’t have to worry about them. They’ve got the one vote they have, and none of the rest of us have to worry about them.’”

Indeed, Overtown’s united presence in a district other than District 5 may one day result in the election of a second Black commissioner – and that could be a good thing. After all, Smith notes, having just one Black official on the dais didn’t prevent the commission from seriously considering a plan that would have dumped homeless people on Virginia Key Beach, a historic landmark for Miami’s Black community.

Smith and Lomax believe that the city’s so-called efforts to ensure diversity on the commission are simply disingenuous. The truth could well be that the map was crafted to ensure that Black representation remains the minority on the commission.

“I hope and pray that Commissioner King is more concerned about the people in her district than she is about holding onto political power,” Smith added. “Her area has voted solidly for Black commissioners since we came up with these five single-member districts.”

A trickle-down effect

Smith’s distrust in elected officials is cautious at best and justified at worst. While last week’s Supreme Court decision came as a win to Black voters in Alabama and across the country, it was actually a bare minimum achievement – one that came shockingly and a tad too late.

“They didn’t do anything to bolster [the Voting Rights Act], in my view, but they maintained it, as opposed to moving in the direction of eviscerating it, which has happened in the past more recently,” said Lomax.

Chief Justices John Roberts and Brett Kavanaugh joined liberals last week in ordering Alabama to redraw its map, but not until after it was used in the 2022 election. Both Alabama and Louisiana maps had been challenged and ruled against by lower courts, resulting in Republicans taking the House majority from Democrats by a margin of nine seats.

“It’s the best of times and it’s the worst of times,” said Smith. “It’s the worst of times because of the fact that the Supreme Court allowed what was obviously unfair, discriminatory voting districts to go forward so that people who should not have won, won. But then it’s the best of times because they left us with our neck bones, so that we can still go to court and in some cases we can still win every now and then.”

Multiple states are now gearing up to redraw their maps and Miami’s fate is up for grabs as the city awaits a response to its appeal with the Eleventh Circuit Court. In an opinion piece published in this edition of the Times, attorney Reginald J. Clyne cautions against the potentially harmful effects that the Republican-dominated court could have on the lawsuit.

But Lomax has hope.

“I think that these discussions that are going to be had in Miami are going to be much different now that the Supreme Court has spoken,” Lomax continued, “and the people who are in the position to articulate what they believe to be the law of the land can do so far more persuasively now that this opinion has been rendered.”